



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
AUGUST 20, 2008  
ACCEPTED**

**MEMBERS PRESENT**

Joanne Rogers, Chair  
John Papacosma, Vice Chair  
Robin Brooks, Secretary  
Dorothy Carrier  
Roberta Floccher, Associate  
Debora Levensailor, Associate

**MEMBERS ABSENT**

**STAFF PRESENT**

Carol Tukey, Town Planner  
Melissa Swanson, Recording Secretary

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The Town of Harpswell Planning Board meeting, being duly advertised in the Brunswick *Times Record*, was called to order at 6:30 PM by the newly elected Chair of the Planning Board, Joanne Rogers. Introductions were made of Board members, and the Pledge of Allegiance was recited by all present.

The Chair read the Agenda and explained the hearing process and procedures for Planning Board meetings. She then asked for a moment of remembrance for Ken Cichon, a Planning Board member who had recently passed away. In order to have a full quorum, Roberta Floccher was appointed as a full voting member for the meeting.

**CONSIDERATION OF MINUTES**

The Chair asked for comments from the Board regarding the Minutes of July 16, 2008. Mr. Papacosma had noted a typographical error on page 9, and also on page 13. Ms. Levensailor added an objection to the wording of the 12<sup>th</sup> paragraph on page 12. She expressed the wish that this meeting's Minutes reflect a change in the wording to reflect the fact that she was not part of the "consensus of the Board" on the affordable housing issue; that she was in favor of an affordable housing ordinance, and thought it necessary. The Chair confirmed with Ms. Levensailor that the change would be reflected in this meeting's Minutes, and Ms. Levensailor agreed. There was a motion to accept the Minutes as amended; the motion carried.

**SITE VISIT**

The Chair stated that she attended the site visit of the Barron property as well as the Greater Brunswick Housing Corp., along with Board members John Papacosma and Robin Brooks, and the Town Planner, Carol Tukey.

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

**08-08-01 William Barron (Applicant/Owner), Approval of Land Use in the Shoreland Zone, Tax Map 2 Lot 70, Harpswell Neck Road, Harpswell**

Mr. Barron introduced himself, and stated that his forester was also in attendance, Barrie Brusila. Mr. Barron referred the Board to their packet materials, and explained that there had been significant damage done to the trees on his property during the Patriot's Day storm of last year, and also by a drought about ten years ago. He stated that the deteriorating forest on his property was in the shoreland zone. He also stated that his forester suggested an effort be made, for the health of the forest, to clear out dead trees, and that the

understory of the forest was healthy. The effort was to improve the health of the forest. He had spoken to the Code Enforcement Officer and also the Town Planner. He said he could address items for the Board either by ordinance or individually.

The Chair asked the Board if they had a preference. Mr. Papacosma discussed what had been observed at the site visit. He said that there had been significant blow down, and many trees were either dead or nearly so, and that selective clearing of the trees would be beneficial to the forest.

The Chair then asked Ms. Brusila to address the Board. Ms. Brusila stated that the Ordinance does allow for harvesting more than 40% of cutting during a ten year period if given approval by the Planning Board, and that the property would not be clear cut. The forester would be leaving the buffer, she would be marking the high priority trees and they would be harvested before they blew over and became a fire hazard.

The Chair asked Mr. Barron if he had any other comments; he did not. She then asked for comments from the audience.

Sam Alexander from North Harpswell addressed the Board and asked if the property was enrolled in the tree growth tax program; the Chair responded that it was not, to her understanding. He also asked if there was a forest management plan; the Chair responded that there was.

Mr. Lee Arnold Ogradnik, 13 Hawthorne Lane, an abutter, stated that there seemed to be much activity scheduled to happen at the property, and asked if there would be some kind of monitoring by the Town.

The Town Planner responded that the Code Enforcement Officer would monitor the site, and said that he had been on the site; Mr. Barron stated that that was correct.

The Chair asked for further public comment. Ms. Brusila stated that she would be the agent on the project, marking the trees and supervising the loggers, and making sure the standards were followed.

The Chair asked for further public comment; there was none. She then read from the Town Planner's memorandum. From the Shoreland Zoning Ordinance, Timber Harvesting:

15.14.1 The Chair asked the Board if they felt there was adequate evidence that removal of more than 40% was necessary.

Mr. Papacosma stated that his impression was that there was a substantial portion of the forest that was either down, rotting or distressed. His opinion was that clearing out the dead and dying trees would benefit the forest. He mentioned that the damage had been pervasive, and clearing it out would be a task.

15.14.1.2 There was no discussion among the Board; therefore, the Board agreed that the standards of this section were met.

15.14.1.3 The Chair asked the forester if the openings are 100 ft. apart, and Ms. Brusila stated there were already openings that were 100 ft. from each other; that it was a "patchy area". There was no further comment from the Board; therefore, the standards of this section were met.

15.14.2 The Board found that the standards of this section were met.

15.14.3 The Board found that the standards of this section were met.

15.14.4 The Board found that this section did not apply.

15.14.5 The Board found that this section did not apply. Ms. Levensailor asked if the CEO or Town Planner had verified there were not wetlands on the site. The Town Planner stated that there were wetlands on the site, and also bridges, and that she felt they were adequate.

15.14.6 The Board found that this section did not apply.

The Chair read the "Standard Conditions of Approval", and then moved that the Board approve more than 40% of total volume of tree harvesting because such clearing was necessary for good forest management, as stated in the Forest Management and Harvest Plan dated April 8, 2008.

The motion was seconded; the Board voted unanimously to approve the project.

**08-08-02 Greater Brunswick Housing Corp. (Applicant/Owner), Douglas A. Johnson, PLS (Agent),  
Subdivision Review Amendment, Tax Map 12 Lot 200-16, Hamilton Place Subdivision,  
Harpswell**

Doug Johnson, PLS, spoke on behalf of the Greater Brunswick Housing Corp. and Habitat for Humanity for the Hamilton Place Subdivision Plan. He stated that Habitat for Humanity bought Lot 15 from Greater Brunswick Housing Authority and Whorff Construction placed the house on the lot accurately. He said that Habitat for Humanity did not like where the house was placed on the lot, and moved it, which moved the foundation of the house over the property line by a few inches, which would cause the overhang to be over the line by 1 ½ ft. The request was to move the lot line and Mr. Johnson referred the Board to the site plan displayed on an easel.

The Chair asked if they had thought to get permission from the Planning Board before the lot line was changed. After some clarification of the question from the Town Planner, Mr. Johnson stated that it would not happen again; Habitat for Humanity had bought other lots in that subdivision and they have been informed of the importance of not moving the stakes in the future.

The Chair moved to approve the Hamilton Place Subdivision Amendment with the Standard Conditions of Approval.

The Town Planner stated that the Minutes should reflect that the lot number, as shown on the Town of Harpswell tax maps, is 200-16, not 200-15, as stated on the Agenda.

The Chair asked for further comments from the Board; there were none. There was a second, and the motion passed unanimously.

**OTHER BUSINESS**

**Consideration of Planning Board exercise of jurisdiction over applications(s) pursuant to Site Plan Review Ordinance § 16.4 and/or Shoreland Zoning Ordinance § 10.3.2.3.**

There were no jurisdictional items to discuss.

The Chair asked for a show of hands in order to ascertain how many in the audience were present for each of the Workshop items to be presented. The "Shoreland Zoning-Restaurant Use" issue was discussed first.

## **WORKSHOP ITEM 1**

### **Shoreland Zoning-Restaurant Use**

The Chair explained to the audience that the Planning Board was to hear comments from those who were present who came to speak on the issue.

David I. Chipman spoke, giving background on Morse's Restaurant on Allen Point, stating Sheldon Morse could give the Board more background, if they needed need it. He stated that it was shut down by the Code Enforcement Office a year and a half ago because it was in the Commercial Fishing Zone. He said that it was to benefit the fisherman initially, but that they could not sell their product "value added". He used the example that the fisherman could sell their lobsters, but not a lobster roll. He said that they were working with the Town Planner, and that, perhaps there was enough "gray area" in the Ordinance to decide that this instance would fit.

Mr. Alexander spoke again, and commented that, in Harpswell, there are many existing businesses doing business in non-conforming uses. He gave examples of other businesses in the area – Holbrook's, Dick Merriman's on Potts Point, and Mackerel Cove, where there used to be a restaurant. He would like the Board to support an ordinance amendment for the use of a wharf restaurant as an allowed use, not a use that had to come before the Board for site plan review.

The Chair asked for other public comment.

Martin Haines, of Miller Pond Road, went before the Board as a consumer, and commented that the restaurant was always clean and happy, and a place where he took out-of-town guests. There was good food and ambiance, and he spoke in favor of an amendment to the Ordinance, and hoped that the Board considered that in their workshops.

The Chair asked for further comment.

Cathleen Morse, who ran the restaurant with her husband and children, stated that she had gone before the Planning Board thirteen years ago before they started the restaurant. She said that the Code Enforcement Office said they would have to be mobile, so they bought a trailer and kept it licensed. A victualers license was approved by the Selectmen, and "everything was fine", until they received a complaint.

Ms. Carrier stated that she read the memo from the Town Planner, and went to visit Five Islands, which was mentioned in the memo. She went on to explain the situation at Five Islands, which was a town owned wharf that is shared equally by both commercial and residential. She compared the location with the Harpswell waterfront area, and said that, since Harpswell does not have the ability to have large economic opportunities, smaller economic opportunities should be studied. She said she would support any change that would make that happen.

Evangeline Sparks addressed the Board, and asked if anyone was aware that the road going down to the restaurant was a private road.

The Town Planner explained that it was an open discussion only, and that was why it was a workshop. She pointed out that any Ordinance change would have to be Town-wide that would allow that type of small use on the waterfront. She said that the DEP said that they don't allow that kind of use within the 75 ft. setback, and said that Five Islands in Georgetown would be a good example of what they would allow. The retail portion would have to be accessory, and a minor element, to the retail portion. She said that the point of having the issue before the Planning Board was to get a sense of how they would feel about going in that direction Town-wide, and about having an ordinance amendment that would allow it.

Ms. Tukey went on to answer Ms. Sparks by saying that every commercial venture would have to go through site plan review. The Planning Board would look at roads, traffic, utilities, waste water; any impact on the site. If someone were to have a restaurant use at the end of a private road, she suggested that the Board might want to have a signed agreement by all the neighbors on that road.

Mr. Papacosma said that he had been at the site; that it was lovely. He mentioned that he had been working with the Town's committees for eleven years. He thought that other restaurant properties in the area were probably grandfathered prior to the implementation of the Shoreland Zoning Ordinance, a State requirement, which is why they still exist, and that it was the State Shoreland Ordinance, and not the Harpswell Shoreland Ordinance, that said "you can't do this". He said he was unaware of any businesses "post ordinance" in the shoreland district since he has been involved with the Town, and it would be the kind of thing the Planning Board would discuss.

The Chair asked for further public comment.

Mr. Alexander made two additional comments:

- 1) Regarding Holbrook's and the wharf at Mackerel Cove where there were restaurants in the past, those locations would be subject to site plan review if they wanted to start restaurants.
- 2) He was also of the opinion that if the legislative body at the Town Meeting voted to make the restaurant use an allowed use, the State would not interfere.

The Chair asked for any other comments.

Richard Kronaur from Bailey Island spoke, saying that he had been a patron at Morse's since the beginning. He thought it had been very well conducted and provided a service to the community. He would like the Board to consider it a real potential benefit to the community.

Mr. C.V. Noyes from Harpswell Neck spoke, and stated that he had no financial interest in the Morse's or any other business in town, and that he did not represent the Morse's. He gave the history of Morse's closing, and that they had moved over to Holbrook's and operated from there. He said he spoke to the Code Enforcement Officer who said the Morse's restaurant was "grandfathered", and Mr. Noyes was told that Morse's restaurant was not "water dependent". The Code Enforcement Officer told him if it had been in the shoreland business zone, it would have been alright, but it was in the shoreland fishing zone. Mr. Noyes stated that he met with the Town Planner, the Code Enforcement Officer and Mr. David Chipman, and it was determined that this was a matter to go before the Planning Board to decide. He said that it was not only about the Morse's but about how and why Harpswell zoning ordinances do not permit shoreline eating establishments, and he was present to request that the Planning Board do whatever was necessary to rectify the situation. (The complete prepared statement read by Mr. Noyes will be kept in the Shoreland Zoning-Restaurant Use project file in the Planning Office.)

The Chair asked for any other comments.

Hermione Tucker, Sheldon Morse's aunt, spoke, and told the Board that when the restaurant was open, the traffic was destructive to her privacy and family life.

Hank Thorburn, a direct abutter to the Morse's former operation, stated that he was in favor of it, saying that it was important economically and that everyone enjoyed it.

The Chair asked for any other comment.

Jonathan Morse stated that the restaurant would also help future local generations.

The Chair asked if anyone else would like to speak.

Mary Robinson, a Harpswell resident, spoke, saying that they considered the restaurant a treasure, and were never bothered by noise, excessive lights or water pollution. She said the restaurant was a “friend to the neighborhood” because it was “done right”; that it was an asset to the community and she was in favor of Morse’s.

Mr. Noyes read a statement by Barry Shanler, who was not in attendance, that stated that Harpswell needed more seaside restaurants which would benefit the area economically.

The Chair asked for any other additional comments.

Gary Anderson said he wanted the Morses to be able to make a living.

Ann LeBourdais stated that the restaurant had many visitors from all over the country, as well as Maine boat traffic, and she was very much in support of the restaurant.

The Chair asked for any other speakers.

Lorna Brown Flynn from Harpswell spoke, and told the Board about the huge benefit that was held at the Morse’s restaurant after “9-11”, and asked that the Board reconsider the current situation.

The Chair told the audience that the Planning Board would take all their comments under advisement and that that they would hold a workshop in the near future; the meeting would be open to the public. She also thanked them for their comments.

The Chair then asked for the workshop for the Affordable Housing presentation.

## **WORKSHOP ITEM 2**

### **Affordable Housing**

Paula Conley, Chair of the Affordable Housing Committee, spoke. She stated that also in attendance were Committee members Hildegard Bird and Dan Boland, and that Carol Tukey, the Town Planner, was the Committee’s liaison with the Town.

Ms. Conley stated that the Affordable Housing Committee came into being as a result of the Comprehensive Plan, and that the Board of Selectmen direct and approve their mission statement. She stated that the information from her presentation was compiled from the Comprehensive Plan, Maine State Housing Authority, and the 2007 Greater Brunswick Home Ownership Facts. (She read from a prepared statement, which will be kept in the Affordable Housing project file in the Planning Office.)

Ms. Conley gave the definition of “affordable housing”, and presented statistics which demonstrated that, over the last six years, Harpswell had become less affordable. It is currently one of the least affordable towns in Cumberland County to live in, and one of the three least affordable towns to buy a home in, in the State. She went on to present sample wages from different occupations in Cumberland County, which were under the average median income.

She went on to address the needs of local renters and senior citizens, and presented supportive statistics. Ms. Conley then spoke about the Comprehensive Plan which stated that to maintain diversity in a town, 20% of the new homes constructed should be affordable. She then explained factors that contributed to the cost of housing in an area, i.e. "in migration" (people coming in to buy summer homes), land prices, noncompetitive salaries, chronic shortages for the elderly and disabled, the "tear down" phenomena, insurance costs, and increased taxes of surrounding properties, which have a significant impact on life-long residents. She went on to say that mobile homes were allowed, but land was too costly, and the area's school population was decreasing.

Ms. Conley gave some "random facts" regarding affordable housing. She mentioned that the Harpswell Community Housing Trust was not at the meeting, but suggested the audience look for their presentation on Harpswell Community Television.

Mr. Boland of the Affordable Housing Committee then addressed the Board, giving some personal history, and explained that after World War II, the government subsidized affordable housing. He then said that more community action and philanthropy was needed, as they played a role in the affordable housing issue. He spoke of the importance of having a younger generation be able to stay in the area, and went on to ask the Board to guide the community toward meeting the housing needs for all levels of residents.

Ms. Bird of the Affordable Housing Committee then presented information regarding median housing costs. She felt that the community should work to consciously provide opportunities for affordable housing here. She said that the diversity of Harpswell was an important aspect of living here; that people of all ages should be able to find housing in this community.

The Chair asked for other comments.

Janice Chick, a resident of Harpswell from the audience, addressed the Board. She reminded those present of the upcoming Naval Base closure and the housing there, and how it will affect the Harpswell area. She had a concern that there might be too many houses on the market in the area, and asked the Board to consider that.

Ms. Bird clarified that the potential housing that Ms. Chick spoke of would be in Brunswick, not Harpswell.

The Town Planner explained that the idea would be to create a housing ordinance that would encompass the existing ordinance that we have, so that developers can have options and choice; if they would be "flooding" the market with something that was not marketable, the developer would choose not to do the new construction.

Committee member Mr. Boland spoke again, stating that the "housing stock" situated on the Naval Base was owned by an offshore private corporation, not the government. He reiterated the importance of keeping Harpswell a place where the local population could afford to stay, and not have it become an area of only "residents", but locals, as well.

Ms. Conley spoke again on the issue of housing supply and demand. She used the example of the Hamilton Place subdivision, which had 13 houses being built through Brunswick Housing Corp., for which there are 60 applicants who must meet certain criteria for home ownership, including being a resident, or have some tie to the Town of Harpswell.

Hope Hilton, a resident of Harpswell and a member of the Affordable Housing Committee, addressed the Board. She stated that she had worked on affordable housing projects in various parts of the State over the years. She stated that some misconceptions of "affordable housing" probably came from the "rental world"; the proposals that they were working on were about home ownership. She said that the projects she had worked

on were often “limited equity” projects where people who didn’t have a lot of money could buy a home and participate in a local community. She stated that when someone can own their own home, and their children live in a home that is owned, it provides a very different tenor to that housing development and that town.

She also addressed the issue of Base housing; that when it became available, it may not necessarily end up as available housing for the community. She used Bangor and Presque Isle as examples. She also stated that, in the case of the Brunswick Base closure, there was a division of ownership between the land and the buildings, which would create an uncertainty as far as how the housing would be dealt with. She suggested that Harpswell move forward in creating a manageable ordinance that allowed developers to create an affordable stock of housing.

The Chair asked for any other comments. There were none, and she stated that the Board would take everyone’s comments into consideration.

### **Planners Updates**

There were no Planner’s Updates to discuss.

Ms. Levensailor asked if the Board would have any workshops in the future regarding the affordable housing issue, and the Town Planner said that the Board would be presented with a draft ordinance at their next meeting, which would come from the Affordable Housing Committee.

Ms. Levensailor asked again that her previous objection to the wording of the July Minutes be shown as corrected on the August meeting’s Minutes.

There being no further business before the Board, Mr. Papacosma made a motion to adjourn, which was seconded.

Meeting adjourned at 8:03 PM.

Respectfully Submitted,

Melissa Swanson  
Recording Secretary